



# PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/616,731  
Filed: July 14, 2000  
Inventor(s):  
McDevitt et al.

Examiner: Unknown  
Group/Art Unit: 1743  
Atty. Dkt. No: 5119-00517

Title: METHOD AND APPARATUS FOR THE DELIVERY OF SAMPLES TO A CHEMICAL SENSOR ARRAY

**CERTIFICATE OF MAILING**  
**UNDER 37 C.F.R. §1.8**

DATE OF DEPOSIT:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to:

Commissioner for Patents  
Washington, DC 20231

Deborah R. Powell

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION -  
FILING DATE GRANTED, MAILED OCTOBER 23, 2000**

**ATTN: Box Missing Parts**  
Commissioner for Patents  
Washington, D.C. 20231

Sir:

Applicant encloses the following in response to the Notice to File Missing Parts of 2 3

Application.- Filing Date Granted:

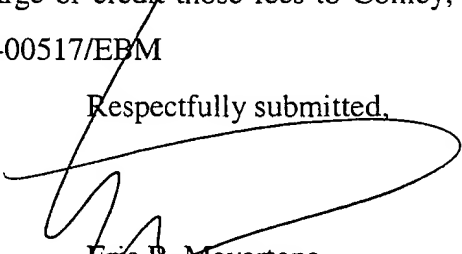
- (1) Copy of Form PTO-1533, Notice to File Missing Parts - Filing Date (Granted page);
- (2) Form PTO-1595 Assignment Recordation Cover Sheet (1 page);
- (3) Originally executed Assignment (4 pages);
- (4) Originally executed Declaration (3 pages);
- (5) Preliminary Amendment (2 pages);

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- (6) Fee Authorization in the amount of \$866.00 to cover the filing fee for a small entity as follows (2 pages):
- \$ 355.00 -- basic filing fee;
  - \$ 391.00 -- surcharge for excess claims;
  - \$ 65.00 -- surcharge for late filing of declaration and fee; and
  - \$ 55.00 -- one month extension fee.
- (7) Fee Authorization in the amount of \$40.00 to cover the assignment recordation fee (2 pages); and
- (8) A return postcard.

Applicant respectfully requests a one month extension of time to respond to the Notice to File Missing Parts Application - Filing Date Granted, Mailed October 23, 2000. A fee authorization in the amount of \$866.00 is enclosed for the extension of time fee and other filing fees. If any further extension of time is required, Applicant hereby requests the appropriate extension of time. If any fees are inadvertently omitted or if any additional fees are required or have been overpaid, please appropriately charge or credit those fees to Conley, Rose & Tayon, P.C. Deposit Account Number 03-2769/5119-00517/EBM

Respectfully submitted,

  
Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
(512) 476-1400 (voice)  
(512) 703-1250 (facsimile)

Date: 1/23/01



## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/616,731	07/14/2000	John T. McDevitt	5119-00517

CONFIRMATION NO. 6881

## FORMALITIES LETTER



\*OC000000006497025\*

Eric B Meyertons  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

Date Mailed: 08/30/2001

## NOTICE OF INCOMPLETE REPLY (NONPROVISIONAL)

*Filing Date Granted*

The U.S. Patent and Trademark Office has received your reply on to the Notice to File Missing Parts (Notice) mailed 10/23/2000 and it has been entered into the nonprovisional application. The reply, however, does not include the following items required in the Notice.

The period of reply remains as set forth in the Notice. You may, however, obtain EXTENSIONS OF TIME under the provisions of 37 CFR 1.136 (a) accompanied by the appropriate fee (37 CFR 1.17(a)).

A complete reply must be timely filed to prevent ABANDONMENT of the above-identified application.

- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*

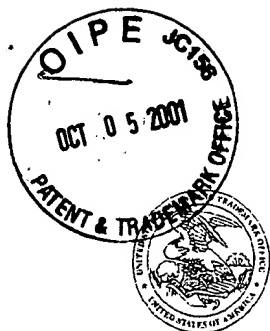
*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

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## UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/616,731	07/14/2000	John T. McDevitt	5119-00517

Eric B Meyertons  
Conley Rose & Tayon PC  
P O Box 398  
Austin, TX 78767-0398

## FORMALITIES LETTER



\*OC00000005495960\*

Date Mailed: 10/23/2000

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

## Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 690 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).*
- Total additional claim fee(s) for this application is \$15102.
  - \$12762 for 709 total claims over 20.
  - \$2340 for 30 independent claims over 3.
- The oath or declaration is missing.  
*A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.*
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.106(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 15922.

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DEPOSITED

BY \_\_\_\_\_  
DATE 11/2

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



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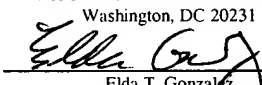
PATENT

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Filed: July 14, 2000  
Inventor(s):  
McDevitt et al.

§ Examiner: Unknown  
§ Group Art Unit: 1743  
§ Atty. Dkt. No: 5119-00517  
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Title: METHOD AND  
APPARATUS FOR THE  
DELIVERY OF SAMPLES  
TO A CHEMICAL  
SENSOR ARRAY.

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8 DATE OF DEPOSIT: 10-1-01 I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail on the date indicated above and is addressed to: Assistant Commissioner for Patents Washington, DC 20231  Elda T. Gonzalez
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RESPONSE TO NOTICE OF INCOMPLETE REPLY

Assistant Commissioner for Patents  
**ATTN: Box Missing Part**  
Washington, D.C. 20231

Sir:

The Notice of Incomplete Reply mailed by the Patent Office on August 30, 2001  
("Notice") for the above-referenced application stated that the oath or declaration for this  
nonprovisional application is missing from the Response to Notice to File Missing Parts  
("Response") mailed October 23, 2000.

Contrary to the statements made in the Notice, the Response **did** include an executed  
declaration. Specifically;

1. Applicant's undersigned attorney personally reviewed the application to insure all pages were present. Applicant's undersigned attorney hereby affirms that the declaration was indeed included in the Response as filed.
2. The legal assistant for Applicant's undersigned attorney, Deborah R. Powell, prepared the Response transmittal letter wherein it states "(4) Originally executed Declaration (3 pages)." See Exhibit A.
3. The legal assistant for Applicant's undersign attorney, Deborah R. Powell, reviewed the Response to insure that all documents listed on the transmittal letter were present. She signed the Certificate of Mailing, counted each page of the transmittal letter and enclosures, and enclosed the Response in an envelope and sealed the envelope for mailing. See Exhibit A.
4. Applicant also included a postcard which also indicates that the Response included an "Originally executed Declaration (3 pages)." See Exhibit B. The Patent Office initially reviewed the response, transmittal letter, and postcard. The postcard has a date stamp put on it by the Patent Office mailroom. If the Originally executed Declaration had indeed been missing from the originally filed response, it seems likely that the Patent Office would have discovered as such when it reviewed the transmittal letter and the postcard.

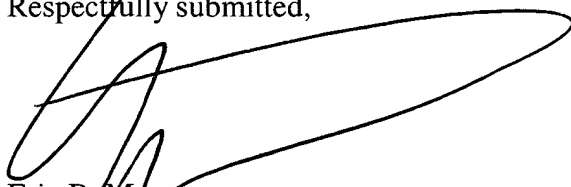
Based on the above, it is clear that Applicant did **NOT** fail to include the Originally executed Declaration with the above-referenced matter. If such document is now missing, Applicant respectfully submits it is due to an error within the Patent Office.

In the alternative, Applicant hereby includes a copy of the Originally executed Declaration as originally filed. See Exhibit C. As such, Applicant hereby requests acceptance of the enclosed replacement of the Originally executed Declaration.

McDevitt et al.  
09/616,731

If any extension of time is required, Applicant hereby requests the appropriate amount of time. If any fees are inadvertently omitted or if any additional fees are required, please charge those fees to Conley, Rose & Tayon Deposit Account No. 50-1505/5119-00517/EBM.

Respectfully submitted,

A large, stylized handwritten signature in black ink, likely belonging to Eric B. Meyertons, written over the text "Respectfully submitted,".

Eric B. Meyertons  
Reg. No. 34,876

Attorney for Applicant

CONLEY, ROSE & TAYON, P.C.  
P.O. BOX 398  
AUSTIN, TX 78767-0398  
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(512) 703-1250 (facsimile)

Date: 10/01/01